Vol. 3. Numb. 41.

THE REHEARSAL.

1. A Vindication of Sir *Roger L' Eſtrange* from the Aſperſions of the *Obſervator.*
2. The *Obſervator's* Care for the *Inferiour Clergy.*
3. His freſh Effort to Prove the *Coercive* Power of *Parliaments* over the *Crown.*
4. All his *Proofs* are quite *Wide* of the *Point.*
5. The Authority of *Bracton* will not Do. Lord Chief Juſtice *Coke* veer'd about.
6. The Authority of *Bracton* againſt *Coercion.*

SATURDAY, *Auguſt.* 28. 1708.

(1.) *Country-man.* THE *Obſervator* we were laſt upon, *Num.* 50. ſays, to his *Country-man*,

" I hope what we have ſaid, will be a " warning to People how they follow the " Dictates of the *Rehearſer*, and his High- " Church; for 'tis plain enough, that he will " prove as fatal a Guide to our Inferior " Clergy, if any of them be ſuch fools to " follow him, as Sir *Roger L' Eſtrange* was, " for he broaches the ſame Principles of Sla- " very; and to me it appears, that he has " as large, or rather a larger Tincture of " Popery than Sir *Roger*.

Rehearſal. I take it as an Honour that he Join's me with Sir *Roger L' Eſtrange*, who Stem'd the Tide againſt the Rebellious *Whiggs* and *Diſſenters* of thoſe Times, and Confounded them with a Superiority of *Wit* and *Argument*. And it may be ſaid of him, That he did more ſervice (and in this Method too) both to *Church* and *State* than moſt Writers (if any is to be Excepted) in that Age. And the *Clergy* in Particular were Oblig'd to do him Honour, for he Aſſerted their Cauſe with great Succeſs. I confeſs I have follow'd him, *Sed non paſſibus Æquis*. And the Objection of *Popery* againſt him was only by thoſe *Foul Mouths* which he had ſtop'd from Every thing but *Railing* and *Lying*. He *Dy'd* as he *Liv'd* a good *Proteſtant* of the *Church* of *England*, which he vindicated. And theſe are Worſe than *Papiſts* to the *Diſſenters*.

(2.) *Country-m.* But why is the *Obſervator's* Care Limited to the *Inferior Clergy*? Have not the *Biſhops* (do's he think) as much *Wit* or *Honeſty*, and Cannot they Diſcern *Reaſon* and *Argument* as well as the *Inferior Clergy*? And do's he not know, That the *Biſhops* had as great Regard for Sir *Roger L'Eſtrange* as any of the *Inferiour Clergy*? And they had as much Reaſon, for he Wrote in their Defence as of the others. For their *Cauſe* is the Same. The *Biſhops* are all made out of the *Inferiour Clergy*, ſo that if they be *Right*, the *Biſhops* cannot long be *Wrong*. And here the *Obſervator* thinks the Danger lyes, That you have begun at the Fountain.

Rehearſ. This is a Reflection upon the *Clergy*. My Buſineſs is to Learn from them, not to Teach them. But the *Obſervator's* Tongue is no *Slander* in a *Party-Cauſe* againſt the *Church*.

(3.) *Country-m.* Well then, there let Us Leave it. But, *Maſter*, it is time now that you ſay ſomething to the Remainder of this *Obſervator*, N. 50. and likewiſe to *Num* 52. of the 14 Inſtant, wherein he *Bounces* like a *Hector*, and ſays he has for ever *Pegg'd* you down, as to the Point of the *Coercive* power of the *Parliament* over the *Crown* by our *Laws*. And I aſſure you his *Party* Boaſt that you are Quite overthrown. And others think you are Hard put to it, and are in Suſpence how you will get over it. Therefore you muſt not Slip it.

Rehearſ. I was Willing to ſtay till I cou'd ſee the Utmoſt of their Force. The *Obſervator* has Conſulted the Beſt *Lawyers* of his *Party*, you may ſee the Hand of *Joab* in it. And I believe they have no more to ſay upon the Point. So that if I can give but a fair *Anſwer* to this, I ſuppoſe we ſhall be troubl'd no more with this *Diſpute*. Unleſs the *Obſervator* (when

left

left to himself) ſhall *Rave* and *Rail*, as his *Predeceſſor* did.

(4.) And now for my *Anſwer*. The firſt thing I ſay is, That ther is not one Word of what is Produc'd in theſe *Obſervators* that is to the Purpoſe, more than if I Indicted *Jack*, and brought all my Proof againſt *James*. You know our Diſpute was concerning the *Laws* of the Land. And of theſe I gave a good Many which Aſſerted the Authority of the *Crown* to be Deriv'd from *God* alone, and to be in no *Earthly Subjection*. And expreſly Condemning all *Coercive* power over the *King*, either in *Parliament* or *People* See my *Vol.* 2. *Num.* 44. And I told Mr. *Obſervator* and gave him Caution, that it wou'd be but *Trifling* to Produce any Leſſer Authorities againſt theſe. I put the Iſſue upon the *Laws*. And ſo I do ſtill, againſt all the *Lawyers* he can Conſult. And now what is it they have Produc'd as *Law* againſt Me? Why, ſome private *Authors* and *Books*, and Old *Hiſtories*, as *Ingulphus* Abbot of *Croyland*, *Lambard*, and *Bracton*. But are theſe our *Laws*? Is every word they ſaid the *Laws* of the Land? Can they be Pleaded as *Law* in *Weſtminſter-Hall?*

(5.) *Country-m.* But he ſays, That *Bracton* was *Lord Chief Juſtice* of *England* in the Reign of King *Hen.* III.

Rehearſ. And what then? We can tell him of another *Chief Juſtice* who had his *Skin* Stuff'd with *Chopt-Straw*.

Thoſe were Troublous and Rebellious times. And who knows how Chief Juſtice *Bracton* might be Inclin'd as to the *Royal* or the *Factions* ſide? And he might have Chang'd *Sides*, and ſo Contradicted what he had Wrote before. As our *Oracle* of the *Law* Chief Juſtice *Coke* did, who while in Favour at *Court*, Wrote highly for the *Prerogative*; but after he was in Diſgrace, he ſought to Leſſen it all that he Cou'd. And theſe *Inconſiſtencies* are to be ſeen in his *Books*. That you may know by their *Strain* when they were Wrote, whether when he was *Pleas'd* or *Angry* with the *Court*.

(6.) Therefore I trouble not my ſelf to Examine the *Quotations* the *Obſervator* brings out of *Bracton*, becauſe they are nothing to the Purpoſe, be what they will. But yet I will tell him what I remember in *Bracton*. He puts the Caſe, what if the *King* do *Wrong*? Then he ſays the *Miniſters* are to be Puniſh'd, for that the *Law* ſays, *The King can do no Wrong*. But what if the *King* will not Suffer his *Miniſters* to be Call'd to Account? Then ſays *Bracton*, he may be *Supplicated* and Humbly *Entreated*, and the *Evil Repreſented* to him. But what if all this will not do, but the *King* ſtill *Perſiſts*? In that Caſe *Bracton* ſays *Sufficit ei pro Pœna quod Deum expectet Ultorem, Nam Superiorem non habet in Terris.* That is, We muſt Refer him to the *Judgment* of *God*, for that he has no *Superior* upon *Earth*.

Country-m. Let the *Obſervator* now take up his *Bracton*—— And whether he can Reconcile him to himſelf or not, it is all one to you, *Maſter*. For you go upon a Surer *Foundation*, the Known and Eſtabliſh'd *Laws* of the Land.

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